IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3068 OF 2007

Shri Dinkar Shripati Kotekar. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Shekhar A. Ingawale for the applicant.

U.V.Nikam, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 27th September 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in CR.No.45/2007 registered with Kagal Police Station, Kolhapur for the offences punishable under section 3(1)(k) of Prevention of Atrocities Act and sections 323, 504, 506 and 427 of Indian Penal Code.

3. The learned A.P.P., appearing for the State, has filed affidavit opposing this application. He

also produced copies of the F.I.R. dated 28th February, 2007. Perusal thereof would show that there are absolutely no allegation against the applicant-accused with regard to the offence alleged to have been committed under section 3(1)(k) of the Prevention of Atrocities Act. The second F.I.R. appears to be after thought. The very tenor of the said F.I.R. goes to show that the same appears to have been subsequently got prepared with legal assistance since allegations incorporating ingredients of section 3(1) of the said Act were reproduced therein.

4. In the aforesaid view of the matter, considering the absence of allegations in the F.I.R. dated 23rd August, 2007 leading to breach of the provisions of the Prevention of Atrocity Act, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with CR.No.45/2007 registered with Kagal Police Station he shall be released on bail of Rs.10,000/- with one or surety to make up the said amount.

(b) The applicant shall report to the concerned Police Station as when called and shall co-operate with the investigating

agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

5. Application stands disposed of accordingly.

JUDGE